

## REMARKS:

Claims 1-22 were filed in the original application. Claims 1-13 have been cancelled as being previously withdrawn from consideration for being directed to a non-elected invention.

Hence, claims 14-22 are currently pending.

Claims 14, 17, and 19-22 were finally rejected under 35 U.S.C. 102(b) as being anticipated by Kasting, Jr. et al. (U.S. 5,520,893). The Kasting reference discloses an apparatus that circulates ozonated water through a sterilizing pan with the aid of a pump. There is no water reservoir in the apparatus itself that is separate from the sterilizing pan, nor is the pump a re-circulation pump in fluid connection with a water reservoir. Moreover, the sterilizing pan is simply a container into which instruments are loosely placed (i.e., without any means for engaging the instruments within the sterilizing pan).

In contrast, claim 14 has been currently amended to read "a chamber adapted to connectorlessly engage and secure said instrument placed within said chamber in a fixed position during cleaning and sterilization." Moreover, claim 14, as amended, further reads "wherein said re-circulating water pump provides sterile water by re-circulating ozonated water within said reservoir" to make it clear that that reservoir is part of the apparatus (and not, for example, a municipal water works).

Since the provision of sterile water through re-circulating ozonated water within a reservoir, as well as the "secure[ing] said instrument...in a fixed position" claim element, are missing from the Kasting reference, the applicant respectfully submits that claim 14 and all claims depending therefrom cannot be anticipated.

The Examiner also finally rejected claims 15, 16, and 18 under 35 U.S.C. 103(a) as being unpatentable over Kasting, Jr. et al. in view of Guess (WO 02/32467). The Guess reference describes an apparatus for cleaning medical equipment through flowing ozonated water over the equipment surfaces. In the right margin of Fig. 1 of the Guess disclosure, "endoscope connector(s)" are disclosed as the only means for engaging the medical equipment (i.e., there are no other engagement means disclosed).

Since the Guess reference completely lacks an engagement means other than the disclosed connectors, and the Kasting reference discloses merely placing instruments loose within a chamber, the limitations of "a chamber adapted to connectorlessly engage and secure said instrument placed within said chamber in a fixed position during cleaning and sterilization" are not disclosed or suggested by the combination of these references.

The connectorless engagement featured in the applicant's invention is important because contamination of any structure that is direct contact with the soiled ends of an instrument can persist and contaminate subsequently washed instruments. Thus, applicant's Fig. 4 and accompanying text disclose that preferably an instrument is mounted in the chamber in a "connector-less" fashion. Thus, unlike the narrow tubes used to inject liquid through the ends of an instrument in Guess' Fig. 1, the ends 72 of instrument 70 in applicant's Fig. 5 are not connected to any part of the chamber that might serve as a harbor for microbes.

Regarding the Examiner's position that the general disclosure of a filter in Guess would suggest applicant's claim 16, Guess does not disclose or suggest introducing ozone into the system before the water contacts the filter means. This is important because filters can

become damaged, contaminated, and/or less efficient over time. Thus, the invention of claim 16 provides an extra measure of contamination control for the system by flowing ozonated water through the filter, both as a backup measure in case the filter is damaged and to insure that the filter itself does not become a source of contamination. While one skilled in the art may be generally motivated to use a filter to provide better quality water, there is no motivation to specifically place a filter at the location of claim 16 except for that provided by the applicant's disclosure (i.e., to ensure the sterility of both the filter and filtered water).

Regarding claims 16 and 18, the limitations of the base claim relating to the connector-less engagement and the re-circulating water pump providing sterile water by re-circulating ozonated water within the reservoir are not found or suggested in the cited references.

Accordingly, the applicant respectfully submits that claims 15, 16, and 18 are not rendered obvious in view of the combination of Guess with Kasting.

Except for the fees due for continuing examination, no fees are believed to be due. Should there be any unforeseen fees, please charge our deposit account, 17-0055.

Respectfully submitted,

Quarles & Brady, LLP



Gavin J. Milczarek-Desai  
Reg. No. 45,801

520-770-8716 Phone  
520-770-2235 Fax